

1 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

2 -----x  
3 UNITED STATES OF AMERICA,

4 Plaintiff,

Docket No.:

15 CR 637 (KAM)

5 versus

6 MARTIN SHKRELI,

U.S. Courthouse

225 Cadman Plaza East

7 Defendant.

Brooklyn, NY 11201

8 August 2, 2017

9:00 a.m.

9 Transcript of Criminal Cause for Trial

10 Before: HONORABLE KIYO A. MATSUMOTO,  
District Court Judge  
11 (and a jury.)

12 APPEARANCES

13 For the Government:

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16 BY: JACQUELYN M. KASULIS, ESQ.,

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17 Assistant U.S. Attorneys

18 For the Defendant:

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19 BY: BENJAMIN BRAFMAN, ESQ.

MARC AGNIFILO, ESQ.

20 ANDREA ZELLAN, ESQ.

21 JACOB KAPLAN, ESQ.

22 Court Reporter:

MICHELE NARDONE, CSR

Official Court Reporter

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25 Proceedings recorded by mechanical stenography. Transcript  
produced by computer-aided transcription.

MICHELE NARDONE, CSR - Official Court Reporter

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1 (In open court.)

2 (Defendant not present.)

3 THE CLERK: All rise.

4 THE COURT: We have all alternates here, but we are  
5 missing one juror. We will put it on the record. When the  
6 12th person comes we will start deliberations.

7 MR. BRAFMAN: Okay. Thank you, judge.

8 MS. KASULIS: Thank you, Your Honor.

9 THE COURT: Is your client here?

10 MR. BRAFMAN: He is in the cafeteria. Do you need him  
11 now?

12 THE COURT: No.

13 MR. BRAFMAN: We will waive his appearance for this.  
14 He is downstairs.

15 THE COURT: Okay.

16 (Recess.)

17 THE COURT: All right. We have all 12 jurors here so  
18 they will start deliberating, and all of our alternates are  
19 here.

20 MR. BRAFMAN: Okay. Thank you.

21 MS. KASULIS: Thank you.

22 (Court in recess awaiting the verdict of the jury.)

23 (In open court.)

24 (Defendant present.)

25 (Court Exhibit 10 so marked.)

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1 THE COURT: Good afternoon. Have a seat, please. All  
2 right.

3 We have a note that we have marked as Court Exhibit  
4 number 10, merely asking whether the jurors may be dismissed  
5 for the day. So we will dismiss them now. We will bring them  
6 in --

7 MR. BRAFMAN: Yes. Thank you.

8 THE COURT: -- and admonish them, and we will start  
9 again tomorrow.

10 MS. KASULIS: Thank you, Your Honor.

11 THE COURT: Thank you.

12 (Pause.)

13 (Jury enters at 5:41 p.m.)

14 THE COURT: All right. All our jurors are present, as  
15 well as the five alternates.

16 I want to thank the jurors again for their service,  
17 including the alternates. I know everybody is working very  
18 hard.

19 We are prepared to adjourn for the evening. I would  
20 just like to remind you again -- I'm sure you have heard this  
21 so much that you don't even need -- it doesn't need to be said,  
22 but I would just like to remind you that please do not discuss  
23 the case, do not discuss the progress of your deliberations  
24 with anybody, and consciously avoid my media reports regarding  
25 the case or Mr. Shkreli.

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1 I want to thank you all and hope you all get home  
2 without getting rained upon. It's been raining hard out there,  
3 in case you didn't notice. Have a good night. We will see you  
4 tomorrow at nine o'clock. Thank you.

5 (Jury exits at 5:42 p.m.)

6 THE COURT: All right. We will see you tomorrow  
7 morning.

8 MR. BRAFMAN: Good night, Your Honor.

9 THE COURT: We will start when they are all here.  
10 Thank you. Have a good night.

11 (Trial adjourned to Thursday, August 3, 2017, at  
12 9:00 a.m.)

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14  
15 Certified to be a true and accurate transcript.  
16 /s/ Michele Nardone  
MICHELE NARDONE, CSR -- Official Court Reporter

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MICHELE NARDONE, CSR - Official Court Reporter

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COURT EXHIBITS

Court Exhibit 10

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